

Agenda

National Sea Grant Office Site Review of the National Sea Grant Law Center
February 10 and 11, 2015
Oxford, MS

Tuesday, February 10

8:00 a.m.	Welcome Site Review Team (SRT) ❖ Stephanie Otts, Director ❖ William Wilkins, Director, Mississippi Law Research Institute ❖ Richard Gershon, Dean, University of Mississippi School of Law ❖ Dr. Alice Clark, Vice Chancellor for Research and Sponsored Programs
8:15 a.m.	Site Review Team Presentation on Purpose of Site Review
PROGRAM MANAGEMENT AND ORGANIZATION	
8:45 a.m.	History of National Sea Grant Law Center
10:30 a.m.	<i>Break</i>
11:00 a.m.	Program Management
12:00 p.m.	<i>Lunch</i>
1:00 p.m.	Grant Competition
STAKEHOLDER ENGAGEMENT	
1:30 p.m.	Advisory Service
3:30 p.m.	<i>Break</i>
3:45 p.m.	Outreach
5:00 p.m.	Adjourn
5:00 p.m.	Site Review Team Closed Meeting
6:00 p.m.	Reception

Wednesday, February 11

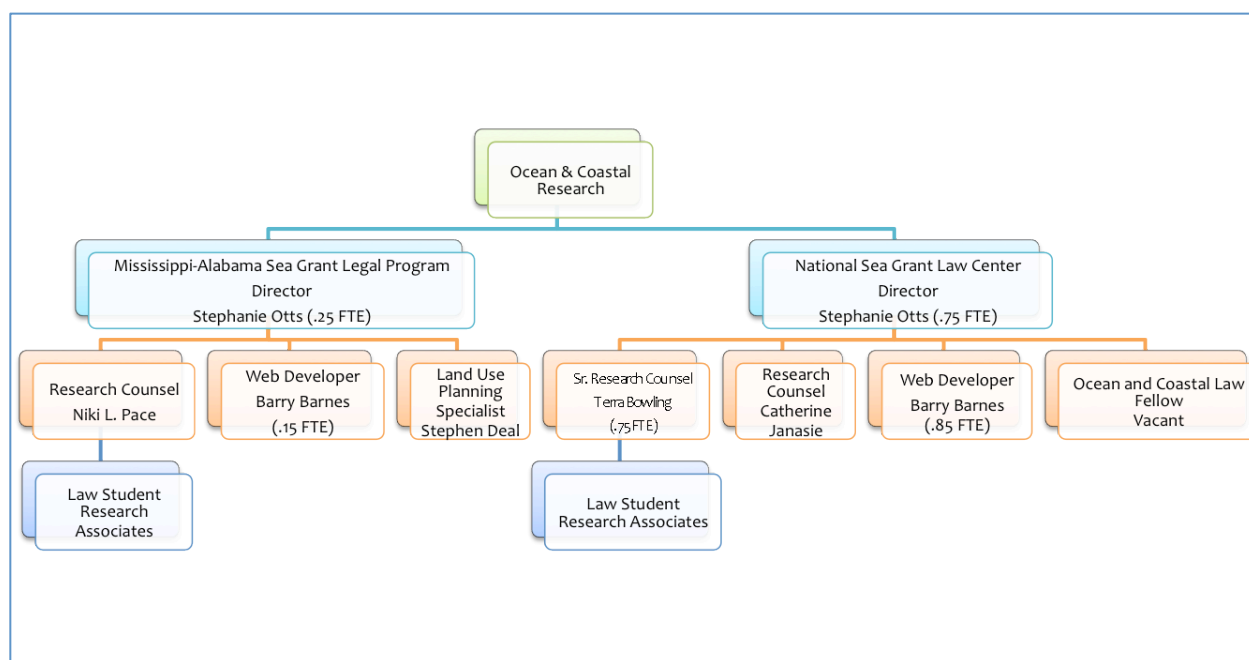
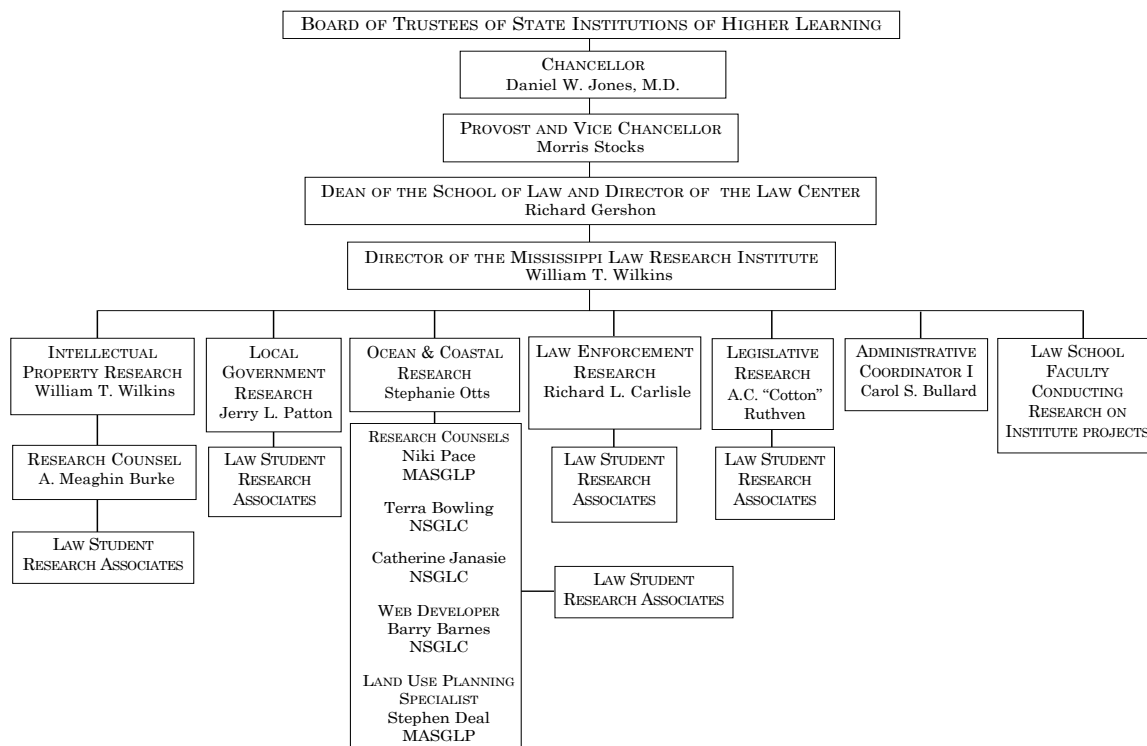
COLLABORATIVE NETWORK/NOAA ACTIVITIES	
8:00 a.m.	Federal Partnerships
9:00 a.m.	Partnerships with National Organizations
10:00 a.m.	<i>Break</i>
10:30 a.m.	Sea Grant Network Activities
11:30 a.m.	NSGLC: Adding Value to the Law School
12:00 p.m.	<i>Lunch</i>
1:00 p.m.	Closed Session for Site Review Team
3:45 p.m.	Site Review Team Meets with NSGLC Director and Staff
4:30 p.m.	Site Review Team Meets with University Officials
5:00 p.m.	Adjourn

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2015 Program Organizational Chart

MISSISSIPPI LAW RESEARCH INSTITUTE



NSGLC Staff Roles and Responsibilities

Director

The NSGLC Director is responsible for ensuring the overall success of the program and overseeing all programmatic, fiscal, and administrative matters. The Director develops and implements the NSGLC strategic plan, develops and promotes NSGLC products and services, and identifies and pursues partnership and funding opportunities.

Senior Research Counsel

The NSGLC Senior Research Counsel serves as the Center's staff attorney and is responsible for conducting legal research to fulfill advisory requests and producing Center reports and publications. The Senior Research Counsel also serves as editor of *The SandBar*, the NSGLC's quarterly newsletter, and manages the Center's Law Student Research Assistant Program.

Research Counsel

The NSGLC Research Counsel conducts legal research to support the fulfillment of advisory requests and contributes to the production of Center reports and publications. The Research Counsel also serves as the Editor of the *Sea Grant Law and Policy Journal*, overseeing the symposium competition, the peer review process, and issue production and distribution.

Website Developer

The NSGLC Website Developer is responsible for design, maintenance, performance, and evaluation of the Center's website and on-line publications and outreach services. The Website Developer also serves as the Center's publication manager, providing in-house graphic design services, serving as liaison with printers, and maintaining mailing lists.

Ocean and Coastal Law Fellow

The NSGLC Ocean and Coastal Law Fellowship Program at the University of Mississippi School of Law is the only one in the nation focused exclusively on ocean and coastal legal issues. During the one-year fellowship, the Fellow conducts legal research, writes articles, and prepares white papers and other materials under the supervision and direction of the Director. The Fellow also assists with the planning of conferences and other events.

Percentage of Effort

Staff Member	Title	FTE
Stephanie Showalter Otts	Director	.75
Terra Bowling	Senior Research Counsel	.75
Catherine Janasie	Research Counsel	1
Barry Barnes	Website Developer	.85
Vacant	Ocean and Coastal Law Fellow	1.00
Total	5 people	4.35 FTEs

NSGLC Advisory Board Membership and Function

The National Sea Grant Law Center does not currently have an Advisory Board. Strategic advice and input is solicited from key individuals and the wider Sea Grant network on an ongoing basis through direct communications and NSGLC participation in regional and network meetings. The constant dialogue and engagement with our constituents allows the Center to anticipate future legal research and outreach needs of its constituents and quickly adjust our programming to meet those needs.

The National Sea Grant Law Center had, from 2005-2010, a formal Advisory Board that provided advice and guidance to the Center on an *ad hoc* basis. The NSGLC Director communicated with Advisory Board members primarily via email as questions regarding the Center's work and future initiatives arose. For example, Advisory Board input was solicited with respect to priority research areas, future activities, and partnership opportunities.

The 2010 Site Review Team suggested that the NSGLC “more formally constitute and use its Advisory Board. This might be accomplished by diversifying its composition, agreeing on a non-NSGLC staff chair, engaging Board members more formally in key management activities, such as serving as interviewers when hiring staff, and meeting face-to-face at least once a year.” In its response to the National Sea Grant Office, the NSGLC indicated that it would take steps to implement this suggested by soliciting new members and holding annual meetings.

Upon further reflection, the NSGLC ultimately decided not to establish a formal Advisory Board. The NSGLC determined that the costs, both financial and administrative, outweigh the benefits of establishing a formal Advisory Board. The NSGLC's funding levels are significantly lower than what they were in 2010. This has resulted in the loss of dedicated administrative staff (Program Coordinator) and less funding available to cover travel and logistical costs associated with an Advisory Board meeting.

Priority is placed on soliciting input from the wider Sea Grant network through attendance at all regional (i.e., Great Lakes, Northeast, Mid-Atlantic) and network (e.g., Sustainable Coastal Development, Fisheries Extension, Climate) meetings. In addition, the following individuals are consulted frequently as the NSGLC plans projects and new activities:

- Thomas Ankersen, Legal Skills Professor and Director, Conservation Clinic, University of Florida Levin College of Law
- James Fawcett, Director, Marine Science & Policy Outreach, USC Sea Grant Program
- Michael Liffman, Program Director for Extension, National Sea Grant Office
- Harrison Pittman, Director, National Agricultural Law Center
- Natalie Springuel, Marine Extension Associate, Maine Sea Grant

The NSGLC was established to serve the legal research and information needs of the Sea Grant Network. The NSGLC believes this informal structure for soliciting advice and input, in addition to the process for Stakeholder Engagement outlined below, is the best fit for the organization given its mission and structure.

Process Used to Develop RFP Priorities and Review Process

In FY09 and FY10, the National Sea Grant Law Center received approximately \$750,000 per year through a Congressional earmark. In previous years, with the exception of FY07, the National Sea Grant Law Center's annual funding was \$100,000 per year. The increase in funding in FY09 and FY10 enabled the Law Center to run a grant competition in 2010 and 2011. The NSGLC did not receive any funding in FY11 and annual funding since FY12 has been \$375,000 per year. Unfortunately, a grant competition is not feasible at that level of funding and no RFP was issued in 2012 or 2013.

The process the National Sea Grant Law Center used to solicit and review grant proposals in 2010 and 2011 was similar to that of other Sea Grant Programs. Our proposal evaluation process included (1) solicitation and internal evaluation of pre-proposals, (2) invitations to submit proposals, (3) peer review utilizing both external peer reviewers and a panel of experts, and (4) final examination of reviews and proposals.

RFP Research Prioritization Process

Research projects were prioritized based on relevance to the NSGLC, the National Sea Grant College Program, and NOAA strategic plans. For example, for the 2011 grant competition, priority was given to research and outreach proposals that address one or more of the following Sea Grant thematic areas: Safe and Sustainable Seafood Supply, Sustainable Coastal Development, Healthy Coastal Ecosystems, and Hazard Resilience in Coastal Communities.

Pre-proposal Process

The RFP was posted on the NSGLC website and circulated electronically on a number of listserves, including NOAA, the Sea Grant Assembly, and Environmental Law Professors. Pre-proposals came from a wide variety of researchers, academic programs, and institutes throughout the United States and abroad. Pre-proposals were reviewed internally by NSGLC staff for compliance with the RFP and budget guidance. Pre-proposals adhering to this guidance and proposing a project addressing a legal research, outreach, or education need of the Sea Grant program were encouraged to submit a full proposal.

Pre-Proposals Submitted	2010	2011
# of Pre-proposals	26	28
# of institutions represented	24	27
# from home institution	0	0

Full Proposal Process

Each full proposal was evaluated and scored by at least two outside peer reviewers, one of whom was a Sea Grant extension agent. In general, the second peer reviewer was someone with law or policy expertise. Peer review scores were calculated and distributed to the Technical Review Panel, whose members were responsible for evaluating and discussing all proposals. This process yielded a set of recommendations from the TRP, which informed the NSGLC's final selection of projects.

Full Proposals Submitted	2010	2011
# of Proposals	13	21
# of institutions represented	13	21
# from home institution	0	0

Full Proposals Funded	2010	2011
# of Proposals	8	11
# of institutions represented	8	11
# from home institution	0	0

Condition of Funding: Presentation at National Conference

As a condition of receiving NSGLC funding, all PIs were required to present their research findings and project outcomes at a national coastal management conference, such as Coastal Zone or The Coastal Society. The NSGLC organized the panel sessions and covered up to \$1,000 of the PIs' travel costs to attend the conference. In addition to providing networking opportunities, these panel presentations increased the visibility of the grant competition and the funded research. The 2010 project PIs presented the results of their projects at Coastal Zone 2011 held in Chicago, Illinois. The 2011 project PIs presented the results of their projects at The Coastal Society's 2012 biennial meeting held in Miami, Florida.

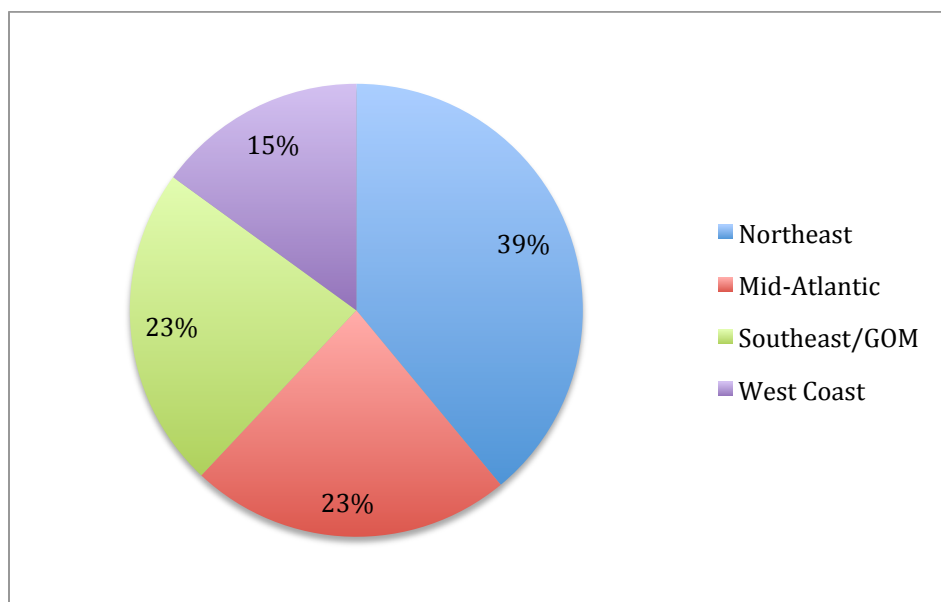
Timeline for Research Competitions

The NSGLC grant cycle normally commenced in mid-summer with the distribution of the RFP in July.

July	Distribution of RFP
September	Pre-proposals Due
September	Internal Review of Pre-proposals
November	Full Proposals Due
December	Peer Review of Full Proposals
January	Technical Review Panel
February	Projects Selected
March 1	Funded Project Start Date

Proposal Success and State Representation

Full Proposals Received 2010



State Representation

Northeast:

- NY, MA, ME, RI (2)

Mid-Atlantic:

- VA, NJ, D.C.

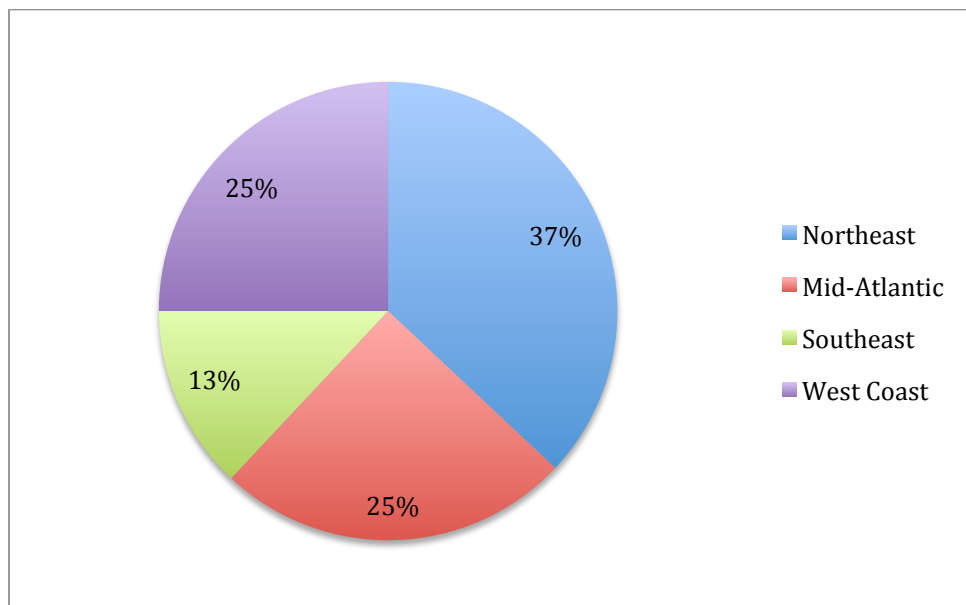
Southeast/GOM:

- TX (2), NC

West Coast:

- AK, CA

Full Proposals Funded 2010



State Representation

Northeast:

- NY, MA, ME

Mid-Atlantic:

- VA, D.C.

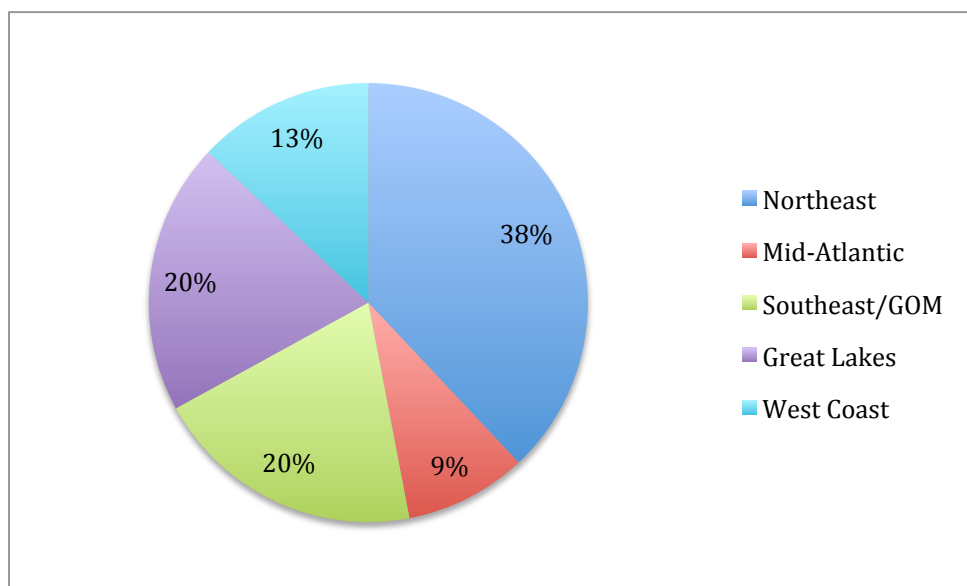
Southeast:

- N.C.

West Coast:

- AK, CA

Full Proposals Received 2011



State Representation

Northeast:

- CT, MA, ME, NH, NY (2), RI (2)

Mid-Atlantic:

- D.C., PA

Southeast/GOM:

- GA, SC, LA (2)

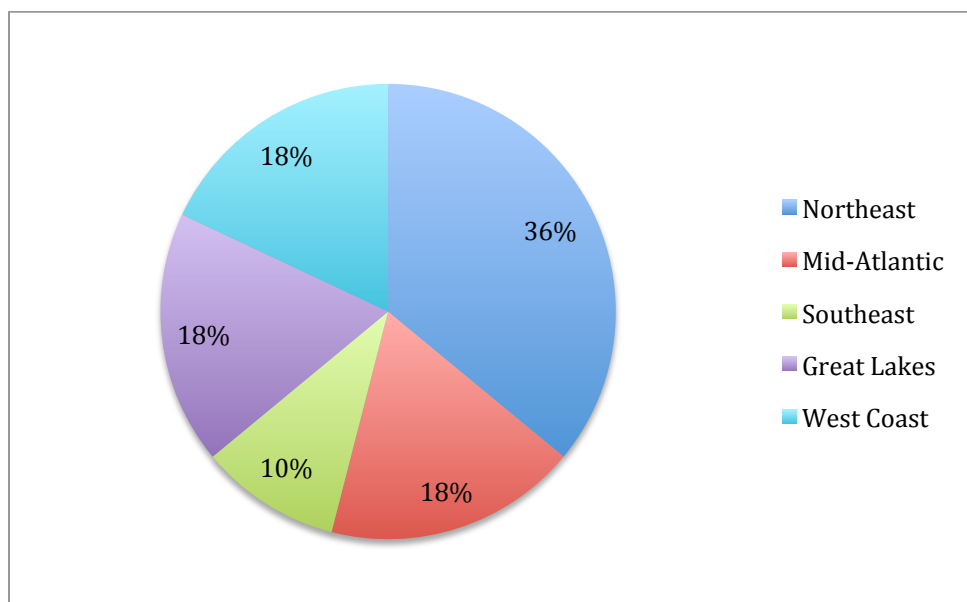
Great Lakes:

- IL, MI, NY, OH

West Coast:

- HI, OR (2)

Full Funded Proposals 2011



State Representation

Northeast:

- NH, MA, ME, RI

Mid-Atlantic:

- D.C., PA

Southeast:

- GA

Great Lakes:

- MI, OH

West Coast:

- HI, OR

National Sea Grant Law Center Funding Levels

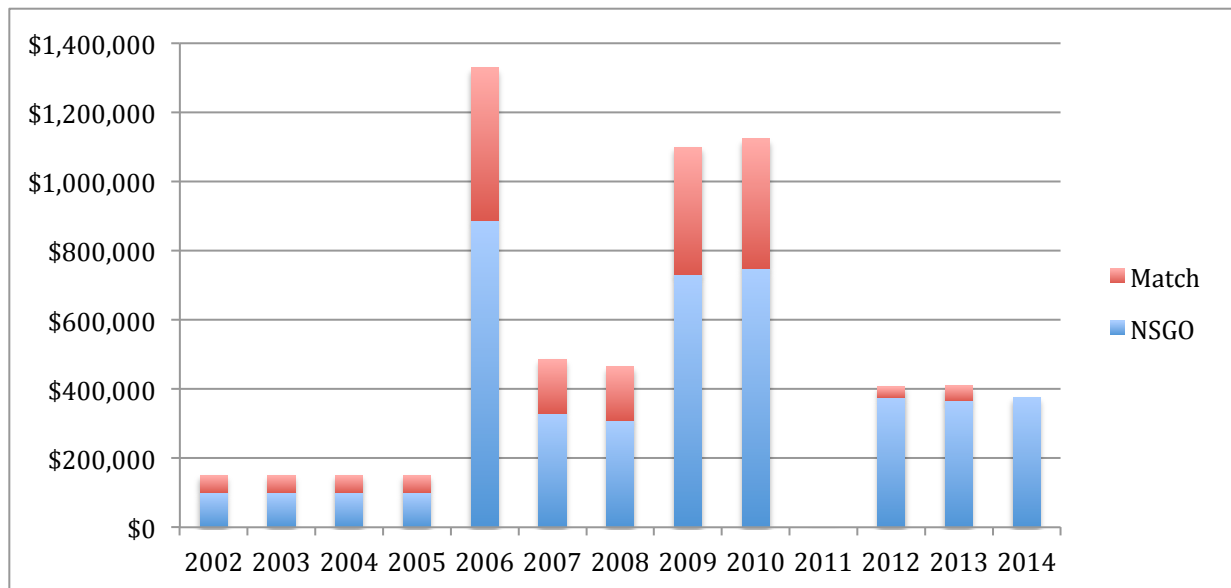
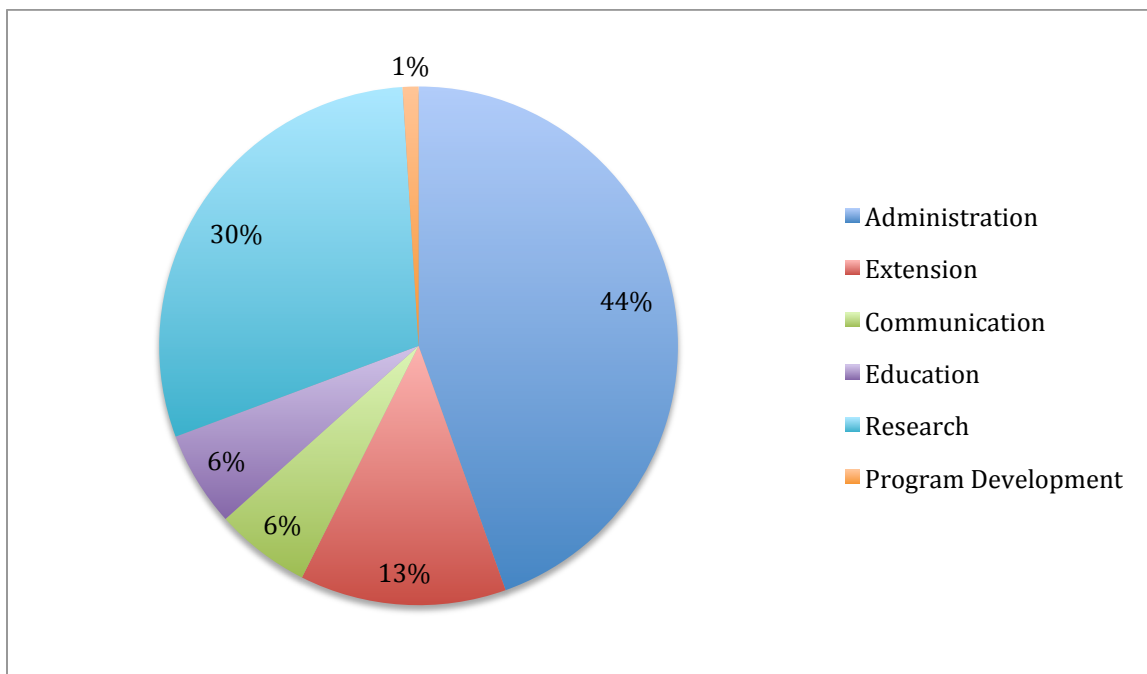
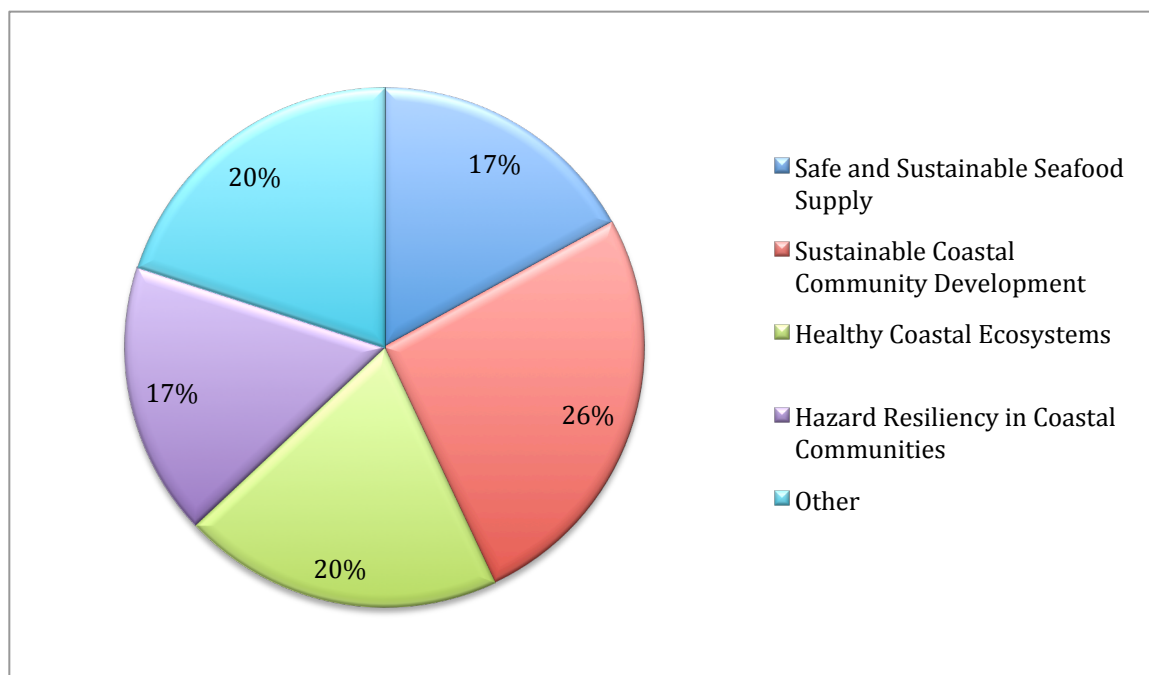


Figure 1. NSGLC total funding (NSGO and Match) 2002-2014

Distribution of Funds during Site Review Period (2/1/10 – 1/31/14)



Funds by Focus Area

Leadership by Staff on Boards and Committees

International, National and Regional

The National Working Waterfront Network, Co-Chair (Showalter Otts, 2010 – 2014)

American Bar Association, Section of Environment, Energy, and Natural Resources, Marine Resources Committee

- Membership Vice-Chair (Showalter Otts, July 2013 – June 2014)
- Newsletter Vice-Chair (Catherine Janasie, June 2014 – Present)

State and Local

Blueprint Mississippi 2011, Community Life Research Team, University of Mississippi appointed representative (Showalter Otts, April 2011 – September 2011).

Sea Grant

National Sea Grant Office, Sustainable Coastal Community Development Focus Team, Member (Showalter Otts)

Sea Grant Legal Network, Chair (Showalter Otts, 2010-2011)

Sea Grant Association, Network Advisory Council, Chair (Showalter Otts, 2012-2014)

Sea Grant Assembly, NSGLC Liaison, (Showalter Otts)

WebDev Group (National Sea Grant Web Specialists/Web Developers Network), Member (Barnes)

Partnerships

National

Association of Fish and Wildlife Agencies

National Agricultural Law Center

National Association of Attorneys General

NOAA Office of Coastal Management

Sea Grant Legal Network

U.S. Fish and Wildlife Service

Western Regional Panel on Aquatic Invasive Species

Regional

Mississippi-Alabama Sea Grant Consortium

State

Maine Sea Grant

Local

Mississippi Law Research Institute, University of Mississippi School of Law

Process for Stakeholder Engagement

The National Sea Grant Law Center engages its stakeholders primarily through its Advisory Service. Stakeholder input is also solicited at Sea Grant meetings and conferences throughout the year. In addition to the presentations given as the result of Advisory Requests, Center attorneys routinely attend Sea Grant national and regional meetings to stay informed of individual program activities and network with extension agents, communicators, and other Sea Grant personnel. During these meetings, the Center often receives feedback on current research and suggestions for future projects and initiatives. Finally, during the development of strategic plans, stakeholders are engaged in a number of ways including personal interviews, conference calls, and web-based surveys.

The Advisory Service is a legal research service provided free of charge to the Sea Grant College Program and its constituents, which includes NOAA. While the National Sea Grant Law Center is prohibited from providing legal advice or becoming involved in litigation, Center attorneys provide the Sea Grant community and its constituents with the background information needed to understand the law. The advisory request process proceeds as follows. First, a constituent (federal or state management agency, Sea Grant extension agent, local government official, etc.) contacts the NSGLC. The Center attorneys then work with the constituent to identify the discrete legal question and the type of final product needed. If a request is received from a state agency, local government, or non-profit organization, the Center notifies the relevant Sea Grant program to solicit input and engage extension agents. Advisory requests are not accepted directly from private citizens; such requests must be made through the state Sea Grant program.

The Law Center does not prioritize requests from Sea Grant programs. Our only selection criterion is that it be relevant to the individual Sea Grant program's work and aligned with the National Sea Grant College Program Strategic Plan (i.e., falls within one of the four Focus Areas). Requests received from NOAA, federal agencies, state agencies and non-profit organizations are accepted if staff time is available and relevant to the NSGCP Strategic Plan on a first-come, first-serve basis. The Law Center has never rejected a request from a Sea Grant program. In cases where requests from non-Sea Grant organizations have been too large for the NSGLC to handle in the time frame requested, the Center has worked with the requesting entity to provide preliminary information and identify other sources of assistance.

The NSGLC fulfills 8-10 major advisory requests per year. As a result of the information obtained through the Advisory Service, government agencies, Sea Grant programs, and their partners are better prepared to implement programs, achieve desired outcomes, and actively engage in policy development and the public decision-making process.

Advisory Request Fulfilled During the Site Review Period

2010 Advisory Requests

1. The *Atlantic Intracoastal Waterway Association*, through a referral from Virginia Sea Grant, requested an analysis of the different interstate partnership models for the management of the Atlantic Intracoastal Waterway. The NSGLC compiled information on the organizational differences associated with interagency commissions, federally owned corporations, state-federal partnerships, and interstate compacts. This information was presented at the AIWA 2010 Annual Conference in Portsmouth, Virginia, November 18-19, 2010.
2. The *Cooperative Ecosystem Studies Units (CESU) National Network*, a network of cooperative units established to provide research, technical assistance, and education to resource and environmental managers, requested information on the authority of federal agencies in the CESU Network to enter

into cooperative agreements with regards to environmental, natural, and cultural heritage resources. The NSGLC prepared a 45-page report summarizing the laws providing such authority.

3. A researcher with the **Hatfield Marine Science Center** at Oregon State University requested information regarding the process of listing the native blue mud shrimp, *Upogebia pugettensis*, on the lists of endangered or threatened species required under the Endangered Species Act. In recent years, *Upogebia pugettensis* has found itself under attack from an invasive isopod, *Orthonotus griffenis*, which effectively destroys the shrimp's reproductive abilities. The NSGLC prepared a memo summarizing the petition process and discussing the challenging presented by a petition to list the shrimp as endangered or threatened.
4. An **Illinois-Indiana Sea Grant** Aquatic Invasive Specialist requested information regarding the procedures for changing the market name for Bighead and Silver Carp. Illinois-Indiana Sea Grant had initially requested this information from the FDA and had received a letter from the agency briefly explaining their petition process. Illinois-Indiana Sea Grant sought the Center's assistance in clarifying some issues raised by the FDA's letter.
5. A **Michigan Sea Grant** extension agent asked whether local governments in Michigan may shut down a beach area during dangerous conditions and issue citations to violators. Via email communication, the NSGLC provided information on Michigan constitutional and statutory provisions granting authority to local governments to act to protect the public health, safety, and welfare of their residents.
6. The **NOAA Aquaculture Program** requested an analysis of legal issues surrounding the use of self-positioning aquaculture cages and the legal implications of defining offshore aquaculture as "agriculture" under federal or state law. The Law Center produced two memos: one discussed the classification of non-traditional floating structures and the situations in which the law of salvage or law of finds might apply and the other discussed possible ramifications of an agriculture classification, including loss of authority under the Magnuson Act.
7. **Pennsylvania Sea Grant** requested a presentation on how climate change might affect private ownership and public access along Lake Erie for their *2010 Climate Change in Pennsylvania – How Will it Impact You? Webinar Series*. The Center's presentation "Climate Change Impacts on Public Beach Access, Beach Ownership, and Bluff Erosion" occurred on September 20, 2010.
8. **Pennsylvania Sea Grant** sought assistance with development of a legal outreach document on Marcellus Shale drilling. The NSGLC, with significant input from Pennsylvania Sea Grant and other legal experts, prepared the *Citizens' Guide to Marcellus Shale Drilling in Pennsylvania*. The citizens' guide is geared to landowners who might lease land, as well as residents who are not leasing land but are seeking information on the process and how they might get involved. The guide provides a brief overview of potential impacts, the regulatory process in Pennsylvania, how residents may participate in the process, and where to go for more information.
9. A **South Carolina Sea Grant** Fisheries Extension Agent, on behalf of the S.C. Shrimpers Association, requested a summary of pending federal legislation, the Coastal Jobs Creation Act of 2010 (H.R. 4914). Via email communication, the Center provided a short summary of the legislation, provided information on laws referenced in the bill, and identified issues the Shrimpers Association should consider before publicly supporting bill.
10. The **Virginia Sea Grant Marine Extension Program**, on behalf of the National Clean Marina Committee, requested information on state laws and regulations mandating sanitary facilities at marinas. The NSGLC performed searches of the laws and regulations of the coastal states and summarized the relevant provisions relating to on-site septic system capacity, restrooms, and pump-out stations.
11. The **Virginia Sea Grant Marine Extension Program** requested an analysis of whether groups, such as Seafood Watch, expose themselves to liability for publishing or listing out-of-date strictures in consumer choice programs. The NSGLC prepared a memo outlining the basic requirements for a project disparagement claim and its potential application to the listing of Summer flounder as a "seafood to avoid."

12. A **Wisconsin Sea Grant** Extension Agent requested information on water quality trading programs and a lawsuit challenging Pennsylvania's nutrient trading program. Via phone and email, the NSGLC provided an overview of the Pennsylvania litigation, answered questions related to EPA's water quality trading authority, and shared links to additional resources.

2011 Advisory Requests

1. The Extension Leader for **California Sea Grant** requested an analysis of fees levied on aquaculture producers in California.
2. The Extension Leader for **Michigan Sea Grant** asked whether invasive species are considered pollutants under the Clean Water Act. The NSGLC prepared a memo summarizing a few of the key cases in which courts have found non-native and invasive species to be "pollutants."
3. The **Middle Peninsula Planning District Commission** (Virginia) requested an analysis of local government regulation of water quality, specifically (1) the authority of local governments in Virginia to address pollution from septic tanks and (2) examples of local governments in other states using regulations or other tools to protect water quality.
4. The **National Federation of Regional Associations for Coastal and Ocean Observing** requested a statutory analysis of the ICOOS Act with respect to the number of possible Regional Associations and information on whether there are opportunities for NOAA to formalize an interpretation of the IOOS Act that would limit the number of RAs.
5. The **NOAA Marine Debris Program** asked the NSGLC to compile information on derelict fishing gear laws and regulations for the Massachusetts and Connecticut lobster fisheries. For each fishery, state codes and regulations were searched using Westlaw, an online legal database, for definitions of fishing gear used; definitions of derelict fishing gear; restrictions on handling gear; requirements for escape mechanisms; closed areas and periods; and provisions providing for the removal of derelict fishing gear.
6. The **Texas General Lands Office**, via NOAA Ocean and Coastal Resource Management, requested assistance with transitioning the agency into its new role as the state's Coastal Zone Management Act consistency reviewer. The NSGLC reviewed relevant statutes for procedures and developed a series of flowcharts that illustrated the timeline and procedures for a variety of federal, state, and local actions that trigger consistency review.
7. The **U.S. Fish and Wildlife Service's** Aquatic Animal Drug Approval Partnership Program asked for a compilation of statutory and regulatory provisions for the regulation of the culture of fishes, specifically hybrid catfish, in Mississippi, Alabama, and Louisiana. NSGLC focused on finding information on which department would regulate in each state and whether permits are required to culture hybrid catfish.

2012 Advisory Requests

1. A **Florida Sea Grant** Extension Agent requested information about whether federal regulations require fishermen to vent every reef fish they catch or only those that show signs of barotrauma.
2. A **Florida Sea Grant** Extension Agent requested information about whether the Gulf of Mexico Fishery Management Council's failure to consult with the Scientific and Statistical Committee on fishery management plan amendments violates the Magnuson-Stevens Act.
3. The **Middle Peninsula Planning District Commission** commissioned a white paper to assist the MPPDC in its efforts to address failing septic systems associated with heirs' property. The Center's report, *Failing Septic Systems and Heirs' Property: Financial Lending Challenges and Possible Solutions*, provided information on the legal challenges associated with heirs' property ownership and steps that the MPPDC can take to help heirs' property homeowners obtain septic tank repair financing.

4. A **Minnesota Sea Grant** Extension Agent requested information about the difference between technology-based effluent limitations and water quality-effluent limitations imposed under the Clean Water Act.
5. A **New York Sea Grant** Extension Agent requested information on the effect of Hurricane Sandy on coastal property lines in New York. Hurricanes often result in the sudden and perceptible loss of or addition to land by the action of the water, or “avulsion.”
6. The **National Marine Fisheries Office of Aquaculture** requested an exploration of the potential permitting process for a hypothetical mussel culture operation in federal waters off the coast of New England.
7. At the request of **NOAA Fisheries**, the NSGLC collaborated with Planning Committee of the National Summit on Community Supported Fisheries, held in Portsmouth, New Hampshire, May 30 – June 1, 2012, to produce a resource guide for fishermen. *Starting and Maintaining Community Supported Fishery (CSF) Programs: A Resource Guide for Fishermen and Fishing Communities* provides general information to assist fishermen and fishing communities with starting or maintaining a Community Supported Fishery (CSF).
8. To assist the **Texas General Lands Office** with its efforts to draft revisions of its Coastal Program rules, the Harte Research Institute at Texas A&M University – Corpus Christi partnered with the NSGLC to (1) review existing GLO rules and identify any language that is inconsistent with recently enacted state legislation and existing federal regulations and (2) review the coastal program rules of several other states and identify possible models for the GLO.
9. A **Virginia Sea Grant** Extension Agent requested information regarding the application of federal admiralty law to aquaculture operations.
10. A **Washington Sea Grant** Extension Agent requested a review of current, pending, and recently proposed legislative actions with regard to working waterfronts.

2013 Advisory Requests

1. The **Accomack-Northampton Planning District Commission** (Virginia) sought information on the repurposing of existing piling foundations that once supported hunting blinds for camping platforms.
2. The **Extension Disaster Education Network (EDEN)** requested an article on local governments and hazard mitigation planning for its eXtension website.
3. A **Maine Sea Grant** extension agent requested an analysis of whether the developers of tidal projects in Maine must obtain an easement from the waterfront property owners for the changes to the tide (time, duration, and/or level of high tide).
4. A **Maryland Sea Grant extension agent** requested information on how Maryland approaches liability for stormwater runoff, specifically channeling runoff from a public park and road onto private property.
5. To gain an understanding of existing programs that could serve as models for a Living Shoreline Revolving Fund in Virginia, the **Middle Peninsula Planning District Commission** (Virginia) partnered with the NSGLC to review national and state examples of revolving loan fund programs to promote living shorelines or similar coastal erosion control methods. The NSGLC’s report, *Incentivizing the Use of Living Shorelines in Virginia Through a Revolving Loan Fund*, examined four federally funded revolving loan funds; seven state-funded programs, including four in the state of Virginia; and two non-governmental programs.
6. **NOAA’s Office of Ocean & Coastal Resource Management** requested information on the effect of Hurricane Sandy on coastal property lines in New Jersey. Hurricanes often result in the sudden and perceptible loss of or addition to land by the action of the water, or “avulsion.”
7. A **South Carolina Sea Grant** extension agent requested information on the current state of the law with respect to the commercial use of residential docks along small tidal creeks in Beaufort County, SC.

Activities and Projects with NOAA and Other Partners

Although the National Sea Grant Law Center is based in Mississippi, we are committed to working at the national level and with programs around the country. By leveraging Center staff time and travel funds, federal agencies and Sea Grant Programs are able to incorporate legal research and information into existing outreach activities to more efficiently fulfill stakeholder needs. Several examples of recent National Sea Grant Law Center's partnerships initiatives are presented below.

U.S. Fish and Wildlife Service and the Western Regional Panel on Aquatic Nuisance Species

"Building Consensus in the West," is an initiative of the Western Regional Panel on Aquatic Nuisance Species. The goal of the WRP initiative is to develop a multi-state vision for watercraft inspection and decontamination (WID) programs. The National Sea Grant Law Center is an active participant in this initiative, providing legal research support and leading efforts to develop model legislation (released in May 2014) and regulations for WID Programs. The National Sea Grant Law Center's work is an outgrowth of a workshop convened in August 2012 by the U.S. Fish and Wildlife Service, the National Association of Attorneys General, Oregon Sea Grant, the National Sea Grant Law Center, and the Western Regional Panel on Aquatic Nuisance Species and hosted by the Arizona Game and Fish Department. The purpose of the workshop was to engage assistant attorneys general, natural-resource agency attorneys, law enforcement supervisors, policy makers, and Aquatic Invasive Species (AIS) Coordinators from the nineteen Western states, interstate organizations, and federal partners to establish clear legal and regulatory approaches and opportunities for AIS abatement and reform. The Building Consensus work, and the legal research and work products in particular, has resulted in changes to regulations in Oregon and Utah and it has informed the legislative and regulatory efforts of many states in the West and throughout the country.

National Agricultural Law Center

In 2010, Harrison Pittman, the Director of the National Agricultural Law Center (NALC), was invited by the National Sea Grant Office to serve on the NSGLC's Site Review Team. The National Agricultural Law Center at the University of Arkansas is the nation's leading source for agricultural and food law research and information. The NALC serves a vast agricultural and food law community that includes farmers, practitioners, scholars, policy-makers, and the Cooperative Extension Service at the state, regional and national levels. Since that time, the NSGLC and NALC have worked together on a number of projects and formalized their partnership through a Memorandum of Understanding. In addition to collaborating on a USDA-funded grant to develop a legal guide to direct marketing aquaculture products in Alabama, the NALC and NSGLC organize an annual Agricultural and Environmental Law Continuing Education Course. Most recently, the NSGLC and NALC collaborated with the Agricultural Law Resource and Reference Center at the Penn State Dickinson School of Law and the Agricultural & Resource Law Program at The Ohio State University to establish the Agricultural & Food Law Consortium. Funded by a grant from the U.S. Department of Agriculture, the Consortium is a national, multi-institutional collaboration designed to enhance and expand the development and delivery of authoritative, timely, and objective agricultural and food law research and information. Agricultural law and food law includes law related to land-based food, fiber, and energy production systems, as well as seafood and marine-based aquaculture.

National Working Waterfronts Network

The National Sea Grant Law Center is a founding member of the National Working Waterfronts Network (NWWN), a nationwide network of businesses, industry associations, nonprofits, local governments and communities, state and federal agencies, universities, Sea Grant programs, and individuals dedicated to supporting, preserving, and enhancing our nation's working waterfronts and waterways. The NSGLC

Stakeholder Engagement

Director is a member of the NWWN Steering Committee and served as Co-Chair of the NWWN from July 2011 – June 2014.

In 2010, the National Sea Grant Law Center and six other partner institutions involved in the NWWN received funding from the Economic Development Administration to develop a Sustainable Working Waterfronts Toolkit (<http://www.wateraccessus.com/about.html>). The Sustainable Working Waterfronts Toolkit is a web-based information portal that contains a wealth of information about the historical and current use of waterfront space, the economic value of working waterfronts, and legal, policy, and financing tools that can be used to preserve, enhance, and protect these valuable areas.

Currently, the NSGLC is providing support to the NWWN by co-hosting, with Florida Sea Grant and the Mississippi-Alabama Sea Grant Consortium, the fourth National Working Waterfronts and Waterways Symposium to be held in Florida in November 2015. The NSGLC Director is also serving as Program Chair for the Symposium. In addition, the NSGLC is collaborating with NOAA Office of Coastal Management and Maine Sea Grant on an oral history project funded by the NOAA Preserve American Initiative.

Sea Grant Extension Assembly

In 2011, the Sea Grant Extension Assembly asked the National Sea Grant Law Center for assistance in developing materials to help the Sea Grant network navigate complex advocacy issues. Since then, in partnership with Jim Fawcett of the USC Sea Grant Program, the NSGLC Director has worked to facilitate the advocacy conversation and expand professional development opportunities. This partnership has produced a number of important products, starting with a short Statement on Advocacy that was approved by the Sea Grant Extension Assembly in February 2012. The statement outlines the Advocacy issue and encourages Sea Grant professionals to refrain from advocacy as a “best practice” out of professional and ethical responsibility. A new chapter on Advocacy and Extension was added to the second edition of the *Fundamentals of a Sea Grant Extension Program*, released in 2013. The chapter expands on the Assembly Advocacy Statement and explores in greater detail the issues of advocacy, neutrality, lobbying, and academic freedom. The *Fundamentals* is used extensively as part of the curriculum of the National Sea Grant Extension Academy and advocacy issues have always been part of this training program. A 4-hour module was developed to help Sea Grant personnel new to extension become knowledgeable about why we care about advocacy within Sea Grant and explore ways in which programs and individuals can approach and resolve advocacy dilemmas. Finally, during Sea Grant Week ‘14, the NSGLC and USC Sea Grant led participants through two 4-hour workshops exploring the issues of advocacy, neutrality, and best management practices within Sea Grant research, extension, and communications programming building upon the learning module developed for the Sea Grant Academy.

Changes Since the Previous Review

No significant management or organizational changes resulted from the 2010 Site Review. The Site Review Team's report included one recommendation: "It is recommended that the NSGLC Director devote full time and attention to the NSGLC and have no responsibilities for the MASGC Legal Program." While the NSGLC agrees that both programs would benefit from a full-time director, implementing that significant of an organizational change is not feasible given the current funding levels of the two programs. At the time of the Site Review Team's report in September 2010, the NSGLC received approximated \$750,000 per year through a Congressional earmark. The NSGLC did not receive any funding in FY11. Funding since FY12 has stabilized at around \$375,000 per year. Funding for the Mississippi-Alabama Sea Grant Legal Program has been stable, but the University of Mississippi School of Law is facing budget cutbacks due to a decrease in enrollment. The dual appointment provides significant opportunities to leverage funds. Given the budget climate, the NSGLC does not believe it is feasible or advisable to restructure the NSGLC Director's position.

The National Sea Grant Law Center, however, has experienced major organizational and staffing changes for other reasons. First, in 2012, the University of Mississippi successfully competed to continue operating the National Sea Grant Law Center as an "Institutional Project." The NSGO's National Sea Grant Law Center 2012 grant competition was due in part to the need to transition the NSGLC from the one-year funding cycle that had been forced by the Congressional earmarks to a more stable multi-year cycle. Operating as an "Institutional Project" enables the National Sea Grant Law Center to submit four-year omnibus proposals on the same funding cycle as the other state Sea Grant Programs and engage in more long-term strategic planning.

Although the new classification reaffirmed the National Sea Grant Office's support for the National Sea Grant Law Center and stabilized the Center's funding, it was at significant lower levels than the previous three years. Several programmatic and staffing changes needed to be made to adjust to the new funding levels. First, the NSGLC had to discontinue its competitive grant program. This was not a decision reached lightly, as there are very few sources of funding for applied legal research and the 2007, 2010, and 2011 competitions funded many projects that increased the capacity of Sea Grant programs to address legal issues and had significant impacts in coastal communities. The NSGLC has communicated to the NSGO a desire to reinstate the grant competition if additional funds could be provided to NSGLC in future funding cycles.

The NSGLC remains committed to building the capacity of individual Sea Grant Programs to address legal research and outreach needs in their states. A key means of building capacity is through the development of partnerships with law schools. Several Sea Grant programs, notably Maine Sea Grant, were able to develop such partnerships through the competitive grant competition. Although it is currently not feasible to fund large grants (\$50,000-\$75,000), there is sufficient funding for a few small grants. In 2011, the National Sea Grant Law Center announced a new grant program associated with its scholarly journal, the *Sea Grant Law and Policy Journal*. Sea Grant programs are eligible to apply to the NSGLC for funding to organize a legal symposium on a relevant ocean, coastal, or Great Lakes legal issue in partnership with a law school in their state. The maximum funding level is \$10,000 per symposium and two are eligible for funding each year. The proceedings from the symposiums are published as special issues in the *Journal*. To date, the NSGLC has funded four symposiums proposed by Connecticut Sea Grant (2011), Virginia Sea Grant (2012), New Jersey Sea Grant (2012), and the Sea Grant Legal Network (2013). The next *Sea Grant Law and Policy Journal* symposium will be held in March 2015 and will focus on aquaculture legal issues in California and is co-sponsored by the California Sea Grant programs and UCLA School of Law.

The decline in funding and subsequent loss of the competitive grant program necessitated a realignment of staffing priorities. To ensure adequate professional staffing to fulfill advisory requests and pursue new collaborative opportunities, the NSGLC chose not to refill its dedicated administrative position when its Program Coordinator resigned in 2014. The Program Coordinator's responsibilities, which included event planning, submission of publications to the National Sea Grant Library, and PIER reporting, were distributed among the remaining staff.

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